

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

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DARRYL ORRIN BAKER,

Plaintiff,

VS.

: CIVIL ACTION
: CASE NO.# 05-147E
:

UNITED STATES OF AMERICA
GOVERNMENT OFFICIALS AT FCI-MCKEAN
WARDEN, OFFICER B. WESEMEN, MEDICAL
DEPARTMENT et.al.

: HONORABLE
JUDGE MCLAUGHLIN

Defendant's

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PLAINTIFF'S MOTION TO DENY THE
GOVERNMENT OFFICIALS MOTION FOR
EXTENSION OF TIME

INTRODUCTION

NOW COMES, the Plaintiff DARRYL ORRIN BAKER, (hereinafter "PLAINTIFF")
and proceeding **pro-se** and request that this Honorable Court **"DENY"**
the Government Officials request for a Extension of Time for the
reasons that follow:

(1) The Government states at (2) of it's Motion for
Extension of Time that the plaintiff has failed to serve the U.S.
Attorney's Office with either a complaint or summons at either of
the above-listed Civil Action numbers.

(2) This statement at (2) is incorrect by the Government.

(3) The Plaintiff, has set forth through documentation
that the plaintiff has complied with Federal Rule of Civil Procedure

4(c) and Rule 5.

(4) plaintiff (note) that on September 13, 2005, Plaintiff filed U.S.M. 285(s) Forms for service upon the Defendant's in Complaint No.# CA-05-0147E. See (ATTACHMENT 1)

(5) On September 15, 2005, the plaintiff filed five (5) copies of Plaintiff's Leave to File a Second Amended Complaint to the Marshals Service to serve the Defendant's in Complaint No.# CA-05-0146Erie. See (ATTACHMENT 2)

(6) On September 23, 2005, the Plaintiff received the five (5) copies of the Second Amended Complaint back from the Marshals Service, and was instructed to file these motion to the "CLERK OF COURT". See (ATTACHMENT 3)

(7) On September 29, 2005, the Plaintiff, resubmitted these motions to the District Court Honorable Judge Mclaughlin and Magistrate Judge Baxter. Plaintiff's cover letter is dated October 29, 2005, but ("certified mail receipt") is dated September 30, 2005. See (ATTACHMENT 4)

(8) The Government Officials Motion at (3) states that the undersigned has not received a copy of Complaint No.# 05-146E.

(9) This is a fabrication by the Government Officials, because the Plaintiff filed five (5) copies to the District Court to serve the Defendant's See (ATTACHMENT 4)

(10) The Government Officials Motion for Extension of Time at (4) states that the Bureau of Prison would have to file a response by November 8, 2005.


(11) This is speculation by the Government Official, because the Court has not instructed the Government Officials to respond.

CONCLUSION

The plaintiff, request that this Honorable Court "DENY" the Government Officials request for a Extension of Time because the Government Officials has had ample time to respond and the Motion for Extension of Time is contradicted by the record in this Court.

Respectfully submitted

BY:


DARRYL ORRIN BAKER
Reg. No.# 10613-039
Federal Prison Camp
P.O. Box 2000
Lewisburg, PA.
17837

EXECUTED: NOVEMBER 28, 2005.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that i have sent a true and exact copy of the Plaintiff's Motion to Deny the Government's Officials Motion for Extension of Time VIA United States Mail this Day novermber 28, 2005 TO:

Assistant united States Attorney's
Mary Beth Buchanan and
Paul E. Skirtich
Western District of Pennsylvania
U.S. Post Office & Courthouse
700 Grant Street, Suite 400
Pittsburgh, Pennsylvania
15219

Respectfully submitted

BY:

Darryl Orrin Baker

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EXECUTED: NOVEMBER 28, 2005.